

COMBINED DECLARATION/POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
CRYOPLASTY DEVICE AND METHOD

the specification of which (check one) XX is attached hereto

— was filed on \_\_\_\_\_  
as U.S. Application  
Serial No. \_\_\_\_\_

— and was amended on (if  
applicable) \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefit(s) under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)	YES	NO

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which

occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Lawrence M. Nawrocki, Reg. No. 29,333;  
 Wayne A. Sivertson, Reg. No. 25,645;  
 John L. Rooney, Reg. No. 28,898;  
 David M. Crompton, Reg. No. 36,772;  
 Glenn M. Seager, Reg. No. 36,926;  
 Steven E. Dicke, Reg. No. 38,431;  
 Brian N. Tufte, Reg. No. 38,638;  
 Craig F. Taylor, Reg. No. 40,199;  
 Donald A. Jacobson, Reg. No. 22,308;  
 Lew Schwartz, Reg. No. 22,067;  
 John A. Rissman, Reg. No. 33,764;  
 Luke Dohmen, Reg. No. 36,783;  
 Peter J. Gafner, Reg. No. 36,517; and  
 Robert E. Atkinson, Reg. No. 36,433.

Send correspondence to:

Glenn M. Seager, Esq.  
 NAWROCKI, ROONEY & SIVERTSON, P.A.  
 Suite 401, Broadway Place East  
 3433 Broadway Street Northeast  
 Minneapolis, Minnesota 55413  
 (612) 331-1464

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, I further declare that I understand the content of this declaration.

Full name of sole or first inventor Daniel M. Lafontaine  
 Inventor's Signature *Daniel M. Lafontaine* Date 3-4-97  
 Residence Plymouth, Minnesota Citizenship U.S.A.  
 Post Office Address 11400 5th Avenue North  
Plymouth, Minnesota 55441

1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

- (i) Opposing an argument of unpatentability relied on by the Office, or
- (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Daniel M. Lafontaine

Examiner: R. Gibson

Serial No.. 08/812,804

Group Art Unit 3736

Filed: March 6, 1997

Docket No.: 1001.1207101

For: CRYOPLASTY DEVICE AND METHOD

REVOCATION OF PRIOR POWERS OF ATTORNEY  
AND POWER OF ATTORNEY

Dear Sir:

SciMed Life Systems, Inc., the owner of the entire right, title and interest in and to the above-identified patent/application, hereby revokes all previous powers of attorney and appoints the following attorneys and/or agents to prosecute the above-identified patent or application, including all continuations and divisionals thereof, and to transact all business in the U.S. Patent and Trademark Office connected therewith: David M. Crompton, Reg. No. 36,772; Glenn M. Seager, Reg. No. 36,926; Brian N. Tufte, Reg. No. 38,638; Luke Dohmen, Reg. No. 36,783; Peter J. Gafner, Reg. No. 36,517; Robert E. Atkinson, Reg. No. 36,433; and Todd P. Messal, Reg. No. P42,883.

Pursuant to 37 C.F.R. §3.73(b), SciMed Life Systems, Inc., a corporation certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment, recorded March 6, 1997, at Reel 8431, Frame 0720.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee by virtue of the attached Limited Authorizanon to Act on Behalf of Assignee Regarding Certain Patent Matters.

Address all telephone calls to Glenn M. Seager at telephone number (612) 677-9050.

Address all correspondence to Glenn M. Seager, CROMPTON, SEAGER & TUFTE, LLC, 331 Second Avenue South, Suite 895, Minneapolis, Minnesota 55401-2246.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

SCIMED LIFE SYSTEMS, INC.

Date: June 1, 98

By: 

**CERTIFICATE OF MAILING**

I hereby certify that the correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the:

Assistant Commissioner for Patents  
Washington, DC 20231

On this 2th day of June 1998  
Crompton, Seager & Tufte, LLC

By: 

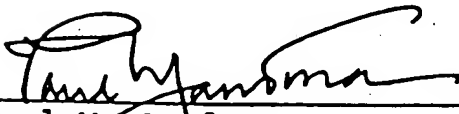
LIMITED AUTHORIZATION TO ACT ON BEHALF OF ASSIGNEE  
REGARDING CERTAIN PATENT MATTERS  
EFFECTIVE THROUGH: December 31, 1998  
\*\*\*\*\*

I, Paul W. Sandman, as Sr. Vice President, Secretary and General Counsel of Boston Scientific Corporation, Inc., the controlling corporation of:

SCIMED Life Systems, Inc.; Boston Scientific Corporation Northwest Technology Center, Inc.; Symbiosis Corporation; Meadox Medicals, Inc.; E.P. Technologies, Inc.; Cardiovascular Imaging Systems, Inc.; BSC Technology, Inc.; Boston Scientific Technology, Inc.; SCIMED Technology, Inc.; Meadox Technology, Inc.; and Boston Scientific, Limited,

hereby authorize the following registered patent attorneys (1) to act on behalf of any of the corporations identified above with regard to matters pending before the United States Patent and Trademark Office and (2) to execute documents establishing power of attorney of foreign patent agent(s)/attorney(s) with regard to matters pending before a corresponding foreign patent office:

Robert E. Atkinson	Reg. No. 36,433
David L. Cavanaugh	Reg. No. 36,476
Patricia LaMarche-Davis	Reg. No. 37,866
Luke R. Dohmen	Reg. No. 36,783
Peter J. Gafner	Reg. No. 36,517

  
Paul W. Sandman  
Sr. Vice President, Secretary and  
General Counsel

October 21, 1997  
Date

STATE OF Massachusetts )  
COUNTY OF Middlesex ) ss.

On this 21st day of October, 1997 before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he/she duly acknowledged to me that he/she executed the same for the uses and purposes therein set forth.

  
Notary Public

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Daniel M. Lafontaine                      Art Unit : Unknown  
 Serial No. : 09/916,147                                  Examiner : Unknown  
 Filed : July 25, 2001  
 Title : CRYOPLASTY DEVICE AND METHOD

Commissioner for Patents  
 Washington, D.C. 20231

REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b), SCIMED LIFE SYSTEMS, INC., a Minnesota Corporation, certifies that it is the assignee of 100% of the right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 8431, Frame 0720 on March 6, 1997. The undersigned, whose title is supplied below, is empowered to act on behalf of the assignee.

The undersigned, acting on behalf of the assignee, hereby revokes all powers of attorney previously granted in the application and appoints:

Mark S. Ellinger, Ph.D., Reg. No. 34,812	Dorothy P. Whelan, Reg. No. 33,814
Wayne E. Willenberg, Reg. No. 28,488	Chad A. Hanson, Ph.D., Reg. No. 44,737
Richard J. Anderson, Reg. No. 36,732	Greg A. McAllister, Reg. No. 47,779
H. Sanders Gwin, Jr., Reg. No. 33,242	John J. Gagel, Reg. No. 33,499
Stephen R. Schaefer, Reg. No. 37,927	Tu N. Nguyen, Reg. No. 42,934
Ronald C. Lundquist, Ph.D., Reg. No. 37,875	John Hayden, Reg. No. 37,640
John A. Dragseth, Reg. No. 42,497	Albert K. Kau, Reg. No. 40,672
J. Patrick Finn III, Ph.D., Reg. No. 44,109	Luke R. Dohmen, Reg. No. 36,783
M. Angela Parsons, Ph.D., Reg. No. 44,282	Steven A. McAuley, Reg. No. 46,084
J. Richard Soderberg, Reg. No. 43,352	James R. Chiapetta, Reg. No. 39,634
Arlene Hornilla, Reg. No. 44,776	Todd P. Messal, Reg. No. 42,883
Greg H. Gardella, Reg. No. 46,045	Pete J. Gafner, Reg. No. 36,517
Monica McCormick Graham, Ph.D., Reg. No. 42,600	
Robert M. Rauker, Reg. No. 40,782	

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

October 11, 2002  
 Date of Deposit

Heidi Bathrick  
 Signature

Heidi Bathrick  
 Typed or Printed Name of Person Signing Certificate

Applicant : Daniel M. Latontaine  
Serial No : 09/916,147  
Filed : July 25, 2001  
Page : 2

Attorney's Docket No. : 10527-429005 / SM-  
P0290US01

with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the application should be sent to:

Stephen R. Schaefer  
Reg. No. 37,927  
FISH AND RICHARDSON, P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

Date: 9-24-02



Luke Dohmen, Vice President and  
Chief Patent Counsel,  
Title: Cardiology, and Secretary

Scimed Life Systems, Inc.  
Mail Stop A150  
One Scimed Place  
Maple, Grove, MN 55311-1566